



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4450

Introduced 5/7/2009, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

New Act

Creates the Officials and Employees Termination Act of 2009. Provides that the terms of office or employment of all designated officials and employees are terminated, by operation of law, effective on the effective date of the Act. The designated officials and employees are (i) the heads, assistant heads, and deputy heads of executive State agencies who were nominated by the Governor between January 11, 1999 and January 29, 2009 for a position that requires the advice and consent of the Senate, (ii) members of executive boards or commissions who were nominated by the Governor between those dates for a position that requires the advice and consent of the Senate, (iii) employees of executive State agencies or executive boards or commissions, whose employment in a *Rutan* exempt position began between those dates, (iv) employees of executive State agencies or executive boards or commissions, appointed to a term appointment between those dates, and (v) any other official or employee who was nominated by the Governor between those dates for a position that requires the advice and consent of the Senate. Executive State agencies and executive boards or commissions are those of the executive branch not under the jurisdiction and control of the Lieutenant Governor, Attorney General, Secretary of State, Treasurer, or Comptroller. Allows hold over for no more than 60 days. Allows the Governor to make temporary appointments and to subsequently nominate or employ a terminated person. Effective immediately.

LRB096 12702 RCE 26356 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Officials and Employees Termination Act of 2009.

6 Section 5. In this Act:

7 "Designated officials and employees" means (i) each head,
8 assistant head, and deputy head of an executive State agency
9 who was nominated by the Governor between January 11, 1999 and
10 January 29, 2009 for a position that requires the advice and
11 consent of the Senate, (ii) each member of an executive board
12 or commission who was nominated by the Governor between January
13 11, 1999 and January 29, 2009 for a position that requires the
14 advice and consent of the Senate, (iii) each employee of an
15 executive State agency or an executive board or commission,
16 whose employment in a *Rutan* exempt position began between
17 January 11, 1999 and January 29, 2009, (iv) each employee of an
18 executive State agency or an executive board or commission,
19 appointed to a term appointment under Section 8b.18 or 8b.19 of
20 the Personnel Code between January 11, 1999 and January 29,
21 2009, and (v) any other official or employee who was nominated
22 by the Governor between January 11, 1999 and January 29, 2009
23 for a position that requires the advice and consent of the

1 Senate.

2 "Executive board or commission" means each executive
3 branch board or commission created by law that is not under the
4 jurisdiction and control of the Lieutenant Governor, Attorney
5 General, Secretary of State, Treasurer, or Comptroller.

6 "Executive State agency" means each executive branch
7 department, agency, institution, authority, public institution
8 of higher learning, and body politic and corporate of the State
9 created by law that is not under the jurisdiction of the
10 Lieutenant Governor, Attorney General, Secretary of State,
11 Treasurer, or Comptroller.

12 "*Rutan*" means the opinion of the United States Supreme
13 Court in *Rutan v. Republican Party of Illinois*, 497 U.S. 62
14 (1990).

15 Section 10. Termination.

16 (a) The terms of office or employment of all designated
17 officials and employees are terminated, by operation of law,
18 effective on the effective date of this Act. The Governor and
19 other employing or appointing authorities are directed to take
20 whatever action is necessary to effectuate these terminations.

21 (b) A person terminated under subsection (a) may not hold
22 over in office or employment for more than 60 days after the
23 effective date of this Act.

24 (c) Nothing in this Act prevents the Governor from
25 subsequently making a temporary appointment or from

1 subsequently nominating or employing a person terminated under
2 subsection (a). Nothing in this Act prevents an employing or
3 appointing authority from subsequently employing or appointing
4 a person terminated under subsection (a).

5 Section 15. Act controls. The provisions of this Act
6 control over inconsistent provisions of any other law except
7 Public Act 96-6.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.